

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

ANTOANETA TCHARDAKOVA,
Debtor.

Chapter 7
Case No. 18-56965-MAR
Hon. Mark A. Randon

STUART A. GOLD, Trustee

Plaintiff,

v.

Adversary Proceeding
No.

BOARD OF TRUSTEES OF
OAKLAND UNIVERSITY, VASKA S.
TCHARDAKOVA, and PETER S.
TCHARDAKOVA,

Defendants.

COMPLAINT

Stuart A. Gold, Chapter 7 Trustee, by and through his attorney, Sandra O'Connor Law, PLLC, for his Complaint to avoid and recover fraudulent transfers states as follows:

Jurisdiction

1. This is an adversary proceeding in bankruptcy brought by the Plaintiff, pursuant to 11 U.S.C. §§ 544(b), 548 & 550, M.C.L. §§ 566.34 & 566.35(1) and Fed. R. Bankr. P. 7001(1), to avoid and recover fraudulent transfers.

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b)(2)(H) & 1334. Plaintiff consents to entry of a final order or judgment by this Court.

Facts

3. On December 19, 2018, Antoaneta Tchardakova (“the debtor”) filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code.

4. Plaintiff Stuart A. Gold (“Plaintiff”) is the duly appointed and acting Chapter 7 Trustee in this case.

5. Defendant Board of Trustees of Oakland County is the board of control of Oakland University pursuant to M.C.L. § 390.151 with the right of being sued with respect to claims against Oakland University. The board of control of Oakland University is called the Board of Trustees of Oakland County pursuant to Article I of the Bylaws of the Board of Trustees of Oakland University.

6. Defendant Vaska S. Tchardakova is the debtor’s adult daughter and a current student at Oakland University who resides at 47226 Chrys Rd., Macomb, MI 48044.

7. Defendant Peter S. Tchardakova is the debtor’s adult son and a former student at Oakland University who resides at 47226 Chrys Rd., Macomb, MI 48044.

8. The debtor paid Oakland University at least \$10,835.95 for Vaska S.

Tchardakova's college expenses as follows:

<u>Date</u>	<u>Amount</u>
9/25/16	\$ 2,871.75
2/9/17	\$ 1,422.27
5/19/17	\$ 3,131.00
8/8/17	\$ 1,192.36
8/15/17	\$ 894.28
9/15/17	\$ 894.29
8/3/18	\$ <u>430.00</u>
Total	\$ 10,835.95

("the Vaska Transfers").

9. The debtor paid Oakland University at least \$23,102.89 for Peter S.

Tchardakova's college expenses as follows:

<u>Date</u>	<u>Amount</u>
12/15/14	\$ 228.45
9/2/15	\$ 407.45
12/17/15	\$ 1,700.39
8/10/16	\$ 1,204.81
9/26/16	\$ 4,715.00
3/27/17	\$ 5,239.90
6/23/17	\$ 1,278.14
8/12/17	\$ 1,584.50
9/15/17	\$ 792.25
12/14/17	\$ <u>5,952.00</u>
Total	\$ 23,102.89

("the Peter Transfers" and, collectively with the Vaska Transfers, "the Transfers").

10. The debtor did not receive reasonably equivalent value in exchange for the Transfers.

11. In August 2014, prior to all of the Transfers, the debtor entered into an agreement assigning a fifty percent (50%) profit interest in her company BG Trans, LLC to Plamen Petrov. The debtor failed to pay any of the profits from BG Trans, LLC to Plamen Petrov and kept them all for herself. On November 21, 2016, Plamen Petrov filed a lawsuit against the debtor in the State of Michigan Sixteenth Judicial Circuit Court seeking, among other things, a judgment against the debtor for one-half (1/2) of the profits of BG Trans, LLC. On July 23, 2018, an Opinion and Order was entered in that lawsuit which awarded Plamen Petrov a judgment against the debtor for a pro-rata amount of profits for 2014 for the time period since he acquired his interest in the profits, and well as fifty percent (50%) of the profits for 2015 and 2016. The debtor has failed to date to make any payments to Plamen Petrov on account of the profits of BG Trans, LLC.

COUNT I
Constructive Fraudulent Transfers/Voidable Transactions

12. Plaintiff realleges and incorporates by reference paragraphs 1 through 11 of this Complaint as fully restated here.

13. The debtor (1) was insolvent at the time she made the Transfers or became insolvent as a result of the Transfers; (2) was engaged in business or a

transaction, or was about to engage in business or a transaction, for which any property remaining with the debtor was an unreasonably small capital; and/or (3) intended to incur, or believed or reasonably should have believed that she would incur debts that would be beyond her ability to pay as her debts matured. M.C.L. §§ 566.34(1)(b) & 566.35(1); 11 U.S.C. § 548(a)(1)(B)(ii).

14. Pursuant to M.C.L. § 566.32(2), the Plaintiff is entitled to a presumption of insolvency because the debtor failed to pay Plamen Petrov fifty percent (50%) of the profits of BG Trans, LLC from the time she assigned the fifty percent (50%) profit interest to him in August 2014 through the bankruptcy filing date.

15. The Transfers constitute constructive fraudulent transfers and voidable transactions which may be avoided by the Trustee pursuant to 11 U.S.C. §§ 544(b) & 548 and M.C.L. §§ 566.34(1)(b) & 566.35. All of the Transfers are avoidable under the Michigan Uniform Voidable Transactions Act. The Transfers that took place between December 19, 2016 and December 19, 2018 are also avoidable under 11 U.S.C. § 548.

13. The Transfers were made to Oakland University as the initial transferee, and for the benefit of Vaska S. Tchardakova and Peter S. Tchardakova, within the meaning of 11 U.S.C. § 550(a)(1). These Transfers are avoidable and recoverable

from Defendants as constructive fraudulent transfers and/or voidable transactions pursuant to 11 U.S.C. §§ 544(b), 548 & 550(a) and M.C.L. §§ 566.34(1)(b), 566.35(1) & 566.37.

WHEREFORE, the Trustee respectfully requests that this Court enter a judgment avoiding the Transfers and enter the following money judgments:

- a. Joint and several money judgment against Board of Trustees of Oakland University and Vaska S. Tchardakova in the amount of \$10,835.95 for the Vaska Transfers.
- b. Joint and several money judgment against Board of Trustees of Oakland University and Peter S. Tchardakova in the amount of \$23,102.89 for the Peter Transfers.

Respectfully submitted,

SANDRA O'CONNOR LAW, PLLC

Dated: May 8, 2019

/s/ Sandra L. O'Connor
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